

## **I.C.R. 42I. Nonsummary Proceedings - Imposition of Sanctions.**

Idaho Criminal Rule 42(I). Nonsummary Proceedings - Imposition of Sanctions.

If the respondent admits the contempt or is found in contempt following a trial, the court may impose sanctions as permitted by law.

(1) Right to counsel. The court cannot impose incarceration as a sanction unless the contemnor was represented by counsel or had knowingly and voluntarily waived the right to counsel.

(2) Right to call witnesses and speak regarding the sanction. The court cannot impose a criminal sanction without first giving the contemnor the right to call witnesses in mitigation of the sanction and the right to be heard in order to present matters in mitigation or to otherwise attempt to make amends with the court.

(3) Written order. The court shall issue a written order reciting the conduct upon which the contempt conviction rests; adjudging that the contemnor is guilty of contempt; and setting forth the sanction for that contempt. If the sanction is civil or includes a conditional provision, the order must specify precisely what the contemnor must do in order to avoid that sanction or have it cease.

(Prior Rule 42 RESCINDED; New Rule 42 Adopted March 24, 2005, effective July, 2005.)

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